

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN HOME ASURANCE COMPANY,

Case No. 8:cv-0874-RJS

Petitioner,

vs.

CIRCLE L. ROOFING, INC.,

Respondent.

/

RESPONDENT'S ANSWER TO PETITION TO COMPEL ARBITRATION

Respondent, CIRCLE L. ROOFING, INC., ("Circle L") a Florida Corporation, by and through its undersigned counsel, hereby files its answer to the Petitioner's Motion to Compel Arbitration filed by AMERICAN HOME ASSURANCE COMPANY ("AHAC" or the "Insurance Company"), and as to each correspondingly numbered paragraph states the following:

1. Admitted for jurisdictional purposes only.
2. Without knowledge, therefore denied.
3. Admitted.
4. Admitted for the limited purpose of filing this answer.
5. Admitted that the referenced document speaks for itself, otherwise denied.
6. Admitted that AHAC provided certain insurance coverages for the benefit of Circle L and its employees for a period of time. Otherwise, denied.
7. Admitted that the referenced document speaks for itself, otherwise denied.
8. Admitted that the referenced document speaks for itself, otherwise denied.

9. Admitted that the referenced document speaks for itself, otherwise denied.
10. Admitted that Circle L filed a complaint dated December 31, 2007 in the United States District Court for the Middle District of Florida, Tampa Division, which speaks for itself. Otherwise, denied.
11. Denied.
12. Admitted that Circle L moved for a preliminary injunction, otherwise denied.
13. Admitted that the referenced document speaks for itself, otherwise denied.
14. Admitted that the referenced document speaks for itself, otherwise denied.
15. Admitted that the referenced document speaks for itself, otherwise denied.
16. Without knowledge, therefore denied.

AFFIRMATIVE DEFENSE

To the extent AHAC has a right to compel arbitration, it cannot avail itself of that right under the doctrines of estoppel and waiver.

Dated: New York, New York
February 19, 2008

Respectfully submitted,



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COUNSEL FOR RESPONDENT

CERTIFICATE OF SERVICE

MARC S. GOTTLIEB, hereby certifies that a true and correct copy of the foregoing has been furnished by filing via CM/ECF, via electronic mail and/or by regular U.S. Mail to: Michael S. Davis and Anthony I. Giacobbe, Jr., Zeichner Ellman & Krause, LLP, 575 Lexington Avenue, New York, NY 10022 on this 19th day of February, 2008.



MARC S. GOTTLIEB (MSG-1007)